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Convention on the Elimination of All Forms of Discrimination against Women

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Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues in relation to the combined initial to third periodic reports of the Marshall Islands

Legislative, policy and institutional framework

1. In paragraph 235 of the report, it is stated that although key human rights treaties have been ratified, there is no specific anti-discrimination legislation.[1] Please indicate the measures that the State party envisages taking in order to integrate into the Constitution or other legislation a definition of discrimination against women, in line with article 1 of the Convention. Please also provide examples of cases, if any, where the provisions of the Convention have been invoked by domestic courts.

2. In its report, the State party indicated that "Marshallese traditional custom or *manit* complements the Constitution" (para. 25). In accordance with the State party's obligations under articles 1 and 2 of the Convention and in line with target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, please provide information on the steps taken to ensure that applicable customary law does not discriminate against women and girls. Please indicate what measures are in place to ensure that customary law is consistently harmonized so that that it is in line with the provisions of the Convention. Please also provide information on the progress that has been made to establish an independent national human rights institution, with a broad mandate in the area of human rights, including women's rights and gender equality, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) (para. 68).

Note: The present document is being circulated in English, French and Spanish only.

[1] Unless otherwise indicated, paragraph numbers refer to the combined initial to third periodic reports of the State party (CEDAW/C/MHL/1-3).

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Data collection

3. In paragraph 42 of the report, it is stated that there are no legal provisions for the collection of disaggregated data and that data collection needs to be improved and extended to other sectors. Please provide information on the specific measures that are being taken to establish a dedicated entity to ensure the systematic collection of comprehensive data disaggregated by sex and measurable indicators to assess trends in the situation of women and girls, including for the implementation of the Sustainable Development Goals, and the progress made in achieving substantive equality. Is it envisaged that laws governing the production of gender statistics envisaged will be adopted?

National machinery for the advancement of women

4. According to the report, the Gender and Development Office in the Ministry of Internal Affairs is the government body responsible for leading the advancement of gender equality in the State party (para. 64). However, the State party has not yet appointed gender focal points across government ministries and agencies (para. 65) and the financial resources allocated to the Office are limited. Furthermore, the State party's gender mainstreaming policy has yet to be implemented (para. 235). Please provide an update on the measures taken to appoint gender focal points and to implement the gender mainstreaming policy. Please also indicate what measures are being taken to improve skills in human rights analysis and gender mainstreaming, which are considered to be lacking in the State party (para. 67). Please provide detailed information on the challenges and achievements of the State party in implementing its gender-responsive budgeting activities. Please also indicate what steps have been taken to increase the budget allocation to the Office so that it can effectively undertake its activities as the national machinery for the advancement of women.

Temporary special measures

5. The State party report is silent on the legislative and other measures aimed at increasing the number of women in decision-making bodies at all levels and in all areas. Please provide information on temporary special measures already instituted and/or envisaged, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, to accelerate the realization of the de facto equality of women with men.

Stereotypes and harmful practices

6. Please provide information on the measures taken to develop a comprehensive policy to change social and cultural patterns that lead to stereotyping and reinforcement of the traditional roles of women and men within the family and society, particularly targeting gender socialization practices, which promote men as breadwinners (para. 92) and women as mothers. Please also provide information on the role of the Gender and Development Office in implementing such measures, including raising awareness of gender stereotypes regarding the roles of men and women in society. Please indicate what impact such measures have had in eliminating stereotypical perceptions and attitudes regarding the roles of women in society and in the family, as well as in addressing the persistence of harmful practices such as child marriages.

Gender-based violence against women

7. In paragraph 47, it is indicated that a study that was conducted in the four atolls of Majuro, Kwjalein (Ebeye), Mili and Ebon revealed that gender-based

violence against women is a major issue, such that about 80 per cent of women reported having experienced physical violence. Information before the Committee also indicates that there is a high level of gender-based violence against women in the State party, with a high degree of acceptance of gender-based violence against women as "normal". Please provide information on the challenges and successes in the implementation of the Domestic Violence Prevention and Protection Act, 2011. Please indicate whether there are budgetary commitments for the implementation of the Act. Please state whether the definition of rape includes marital rape. Please also provide information on the specific role of the Domestic Violence Prevention and Protection Act Technical Working Group in coordinating the implementation of the Act, particularly in the outer islands, where physical violence is reportedly prevalent (para. 230). Please indicate what measures have been taken to raise awareness to improve societal attitudes towards gender-based violence against women and girls. Please also indicate whether the use of corporal punishment on girls is prohibited in both family and school settings.

8. Please provide information on the number of protection orders that have been issued since the adoption of the Domestic Violence Prevention and Protection Act and the number of those that have been violated, as well as the sanctions that have been imposed for violating such orders (para. 31). Please also provide data, disaggregated by age and type of offence, on cases of violence against women reported to the police, the number of cases brought to court and the number of prosecutions and convictions resulting from those cases. Please provide information on the impact of the "No-drop" policy in addressing domestic violence and encouraging reporting by victims (para. 38). Please provide information on how nationwide data is collected, collated, analysed and shared for the purpose of effectively combating gender-based violence against women and girls, including domestic violence, particularly in the outer islands.

9. It is indicated in the report that penalties for violence against women in the Domestic Violence Prevention and Protection Act overlap with the provisions of the Criminal Code for similar offences, so that certain offences are punishable by either lighter or heavier penalties, depending on which law the charges are laid under (para. 233). Please provide information on the measures being taken to address the overlap in the criminal regulation of various offences related to gender-based violence against women, which affects the nature of the penalties that can be imposed. In the report, it is also indicated that gender-based violence against women is a challenge that is complicated by, inter alia, social practices and a lack of institutional support and agencies to provide relief or shelters (paras. 232 and 233). Please provide information on the availability and accessibility of shelters for women and girls who are victims of violence, particularly in the outer islands, and the nature of their funding, including the source, sustainability and extent of that funding.

Trafficking

10. Information before the Committee indicates that the State party is a source and destination country for trafficking. In paragraph 97 of the report, the State party indicated that "there is limited data on the demographics of the women who are victims of trafficking, the people who facilitate the trafficking of women, the reasons why women engage in sex work". Please provide information on the measures being taken to conduct a comprehensive study to investigate the extent and root causes of trafficking in persons and the exploitation of prostitution, particularly of women and girls, in the State party. In paragraph 101, it is stated that a national task force on human trafficking provides a forum for the discussion of and consultation on issues pertaining to human trafficking and makes recommendations to the Government. Please provide information on: (a) the current

legal framework to combat trafficking in persons; (b) the number of cases investigated and prosecuted and the nature of sanctions imposed on the perpetrators of trafficking in human beings, particularly involving the trafficking of women and girls; (c) the measures in place to, inter alia, identify, screen, protect and assist women and girls who are victims of trafficking and raise public awareness of trafficking in human beings; (d) the measures taken to combat the recruitment of women and girls as sex workers for crew members aboard foreign fishing and trans-shipping vessels that put in at Maduro, including women from East Asia, who are forced into prostitution in onshore establishments that are patronized by the crew members of foreign fishing vessels.

Participation in political and public life

11. In paragraph 14 of the report, it is indicated that, although there has been some improvement in the representation of women in decision-making bodies, including the election of the first female President, they remain underrepresented particularly in the parliament (the Council of Iroji and the Nitijela) and the judiciary. Please provide information on the steps envisaged to increase the number of women elected and appointed to decision-making bodies, including statutory boards, trade unions and local councils, and to achieve equal representation of women in political and public life, including through the adoption of temporary special measures, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25. Please provide, in particular, information on measures taken or envisaged, in accordance with general recommendation No. 23 (1997) on women in public life, to introduce a system of quotas that would aim at achieving, at a minimum, a 30 per cent representation of women in the parliament, and to support women candidates for elected positions, particularly in the parliament (paras. 12 and 106). Please indicate whether there are incentives for political parties to include women on lists of candidates for national and local elections.

Education

12. In paragraph 132 of the report, it is acknowledged that the incidence of teenage pregnancy is high and that the State party records the highest rate of adolescent fertility in the Pacific region. Please provide detailed information on the programmes in place aimed at reducing the incidence of teenage pregnancy. In paragraph 133, it is indicated that, under the public high school rules and regulations, a pregnant student is permitted to remain in school as long as her pregnancy does not affect her grades or attendance, but that the policy does not apply to private schools. Please provide information on the uniform application of that policy to private schools and the re-entry of teenage mothers into formal education, including private schools, after delivery. Please also provide an update on the progress made to develop an age-appropriate education programme on sexual and reproductive health and rights for all levels of education in the State party. Please provide data on: (a) the dropout rates of girls owing to pregnancy and the levels at which they occur; (b) the indirect costs that might impede the access of women and girls to education; and (c) the number of teenage mothers who have returned to school after giving birth during the reporting period.

13. In the report, it is indicated that traditional attitudes and customs still exert pressure over educational choices (para. 131). Please provide information on the specific measures in place to encourage girls to pursue non-traditional courses, in particular those in the areas of science, technology, engineering and mathematics. Please also provide information on the progress made to: (a) revise school textbooks in order to remove gender stereotypes; and (b) improve access to learning materials for women and girls in outer island schools (para. 126).

Employment

14. In paragraph 147 of the report, it is indicated that the number of women employed by the Public Service Commission has increased over the last three calendar years. Please provide data on the labour participation of women in the private sector. Please also provide an update on progress made: (a) to pass the bill that was introduced in the parliament in March 2016, which seeks to amend the minimum wage (para. 145); and (b) to enact additional legislation to provide for health and safety and address concerns over worker's compensation, particularly women (para. 148). Please also provide information on the concrete measures taken: (a) to improve the rate of employment of women, including through the use of temporary special measures; and (b) to enforce the principle of equal pay for work of equal value, in line with the International Labour Organization (ILO) Equal Remuneration Convention, 1951 (No. 100), in order to close the wage gap between women and men (para. 151). Please indicate what measures are being taken: (a) to improve the availability of childcare facilities; (b) to enact a law to provide for maternity leave for private sector employees; and (c) to review the pay scale set by the Public Service Commission that is based on education, experience and job responsibilities (paras. 150 and 151). Please also indicate whether the law provides for maternity leave in accordance with ILO standards.

Health

15. In the report, the State party indicated that more women than men have died from cancer caused by radiation associated with the nuclear testing programme of the United States of America (para. 164). It is also indicated that women from four nuclear-affected atolls suffer from the effects of nuclear testing, which has had an impact on their sexual and reproductive health, as the radiation has affected their ability to bear healthy children (para. 210). In the report, it is further stated that women: (a) suffered high rates of miscarriages; (b) gave birth to babies with severe birth defects; and (c) suffered changes in menstrual cycles and a subsequent inability to conceive. Please provide information on the measures being taken to address those impacts on women and girls, including the attendant high incidence of thyroid cancer. Specifically, please provide information on the concrete measures being taken to verify the extent to which radionuclides were actually present in the breast milk of women exposed to nuclear testing, so that the risks to individuals who were breastfed by those women and the medical interventions subsequently available to them can be properly assessed.

16. Please provide information on the measures taken to adopt a definition of a skilled birth attendant, in line with internationally agreed definitions, and on the steps taken to improve data collection on maternal mortality. Please indicate what measures are in place to address the high prevalence of sexually transmitted infections. Please provide information on the incidence of unsafe abortions and the impact on women's health, including maternal mortality. Please also provide information regarding the grounds on which an abortion can be procured and whether abortion has been decriminalized in all cases. Please also respond to reports that abortion requires spousal consent.

Rural women

17. In paragraph 185 of the report, it is stated that the "widely dispersed populations, remoteness and limited communications and transportations of the outer islands means real constraints on the equal access and efficiency of service delivery". Please provide information on the measures taken to address the problem of limited public services and infrastructure in the outer islands (para. 187). Please

indicate the measures being taken to adopt a development programme targeted at rural women, which is acknowledged to be non-existent in the State party (para. 187). Specifically, please provide information on the programmes targeted at rural women in the outer islands to ensure their access to: (a) health-care services, sanitation and electricity; and (b) agricultural credits and transportation (paras. 185, 195, 197, 202, 203 and 206). Please also indicate what programmes are in place to ensure their access to information, modern technologies, employment, social protection and adult education.

Disadvantaged groups of women

18. Please provide information on the situation of women with disabilities, particularly those affected by radiation as a result of nuclear testing, and on the assistance provided to women who have acquired disabilities induced by diabetes and leprosy. Please indicate the progress that has been made in implementing the national policy on disability-inclusive development, 2014-2018, and the Rights of Persons with Disabilities Act, 2015, as well as the progress made in ensuring the representation of persons with disabilities, in particular women, in decision-making bodies. Please also indicate what social protection measures have been put in place to alleviate the impact of radiation on women and girls. Please provide concrete examples of existing social protection programmes aimed at reducing the economic burden on older women, women heads of household and single and young mothers.

Disaster risk reduction and climate change

19. In paragraph 181 of the report, it is stated that Bikini Atoll is at severe risk from the adverse impacts of climate change. In the light of the fact that the State party is a low-lying coastal country and susceptible to tropical storms and typhoons, please provide information on whether a gender perspective has been integrated into national disaster management, relief and recovery strategies, and indicate the extent to which women participate and are represented in consultations on disaster risk reduction and climate change initiatives, particularly in the outer islands. Please provide information on the progress achieved in implementing the national climate change policy framework and the involvement of women and girls in climate change mitigation and adaptation.

Marriage and family relations

20. According to information before the Committee, under the Child Rights Protection Act, 2015, the legal age of marriage for both women and men is 18. However, the Births, Deaths and Marriages Registration Act, 1988, sets the minimum age of marriage with parental consent for girls at 16, while that for boys is set at 18. Please provide information on the progress made to adopt the births, deaths and marriages registration (amendment) bill, which will raise the minimum age of marriage for girls from 16 to 18 and amend section 434 of the Act, which exempts customary marriage from any minimum age stipulation. Please indicate what steps are being taken to combat forced marriages and to assess the economic impact on women and girls of the fault-based legal regime on divorce. Please also indicate whether women and men have equal rights to legal guardianship of their children during and after marriage.

Optional Protocol and amendment to article 20 (1)

21. Please indicate any progress made with respect to the ratification of the Optional Protocol to the Convention and acceptance of the amendment to article 20 (1) of the Convention.